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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/641,302

08/15/2003

In Tae Hwang

2101-3355

3551

35884

7590

11/05/2007

LEE, HONG, DEGERMAN, KANG & SCHMADEKA

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EXAMINER

GANDHI, ANKIT P

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

11/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/641,302

Applicant(s)

HWANG, IN TAE

Examiner

Ankit P. Gandhi

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments and amendments filed on 08/27/2007 with respect to rejection(s) of claim 1, 18-22 have been fully considered. However, upon further consideration of newly added claims 23-39, a new ground(s) of rejection is made.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 23-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamalainen et. al., Patent No.: 5,729,541.

**Regarding claims 23 and 26-27**, Hamalainen discloses a station operable within a wireless communication system, the station comprising:

a data frame generator configured to form a data frame by: forming a header portion and a data portion; and assigning a field of the header portion to identify the time resource request for a future transmission; assigning a second field of the header portion to identify the time resource request for a future transmission; and a transmitter for transmitting the data frame to a base station **(as disclosed in abstract, base station and mobile stations transmitting packet data in a cellular system**

comprising number of time slots in a TDMA frame, and as further disclosed and considered transmission in *figure 6 and 8*, where time slots are sent alternatively, and every other time slots is for paging P and for acknowledgement PAG, where P time slots have "1" as the steal bit and a PAG time slot will have a "0", and as disclosed in *column 7, lines 32-40, and figure 6*, where separate paging burst structure includes free/reserved channel, (herein considered as, first portion of channel (frame) reserved for transmission and second portion is free (reserved for further transmission), and TDMA frame is 8 time slots, where first part of frame is the paging field, and second part is a bitmap which indicates the mobile station the channel reserved by the network for transmission... *a/so*, considering transmission from a mobile station to a base station, where base station comprises reservation of an uplink channel, and has knowledge of free and reserved channel, therefore header of the frame is being formed with free/reserved channel and the reserved channel are marked with bit 1 and idle channel with bit 0, where network is not using all 8 time slots for the packet transmission service, then only those channels that are used may be marked idle for further transmission, *column 8, lines 15-33*).

Regarding claims 30 and 35, Hamalainen discloses a station operable within a wireless communication system, the station comprising: a control frame generator configured to selectively assign each of a plurality of parameters of an acknowledgment field of a control frame a value to indicate receiving status of one of a corresponding plurality of data frames, and a transmitter for transmitting the control frame to a base

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station (TDMA frame includes control time slots C used to receiving requests, acknowledgments by mobile stations, *column 5, lines 12-13*, where transmitted the four-burst frame a transmitter/receiver will listen to the frame acknowledge, *column 6, lines 18-26*, also as it is disclosed in figure 5 and figure 7, 9 field contents with number of data bits).

**Regarding claims 24, 28, 33 and 38**, Hamalainen discloses the station according to claim 27, wherein the data frame generator is further configured to form the data frame by: assigning a third field of the header portion to identify that the data frame is one of a plurality of fragmented data frames (as disclosed priority of the channel reservation request (PRA), and using identification either the number of the requested time slots of the priority or the time slot number, therefore using priority of data inherently comprises fragmented data frames for individual assignment and services request).

**Regarding claims 25, 29, 34 and 39**, Hamalainen discloses the station according to claim 27, wherein the data frame generator is further configured to form the data frame by: assigning a third field of the header portion to identify that the data frame is a retransmission of a earlier data frame (figure 5 & 7, field contents, automatic retransmission request).

**Regarding claims 31 and 36**, Hamalainen discloses the method to claim 30, wherein each of the plurality of parameters comprises a single bit (column 7, line 38, "1" bit or "0" bit, for paging and acknowledgement).

**Regarding claims 32 and 37**, Hamalainen discloses the same limitation as disclosed in claim 35 and claim 27, therefore respectively rejected under the same basis.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ankit P. Gandhi whose telephone number is 571-270-


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3009. The examiner can normally be reached on Monday-Friday - 9:00 to 5:00 (Altern: Friday Off ).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

APG

  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER